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4 PRESTON JONES,
5 Plaintiff,
6 v.
7 NUTIVA, INC.,
8 Defendant.
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 Case No. [16-cv-00711-HSG](#) (KAW)

15 **ORDER TERMINATING 9/16/16 JOINT
16 LETTER REGARDING DEFINITION
17 NOS. 7 & 8 IN LIGHT OF DISTRICT
18 COURT'S 9/22/16 RULING**

19 Re: Dkt. No. 50

20 On September 16, 2016, the parties filed a joint discovery letter regarding "whether
21 discovery properly includes information only about the Nutiva Virgin Coconut Oil that plaintiff
22 purchased, or also should include information about Nutiva's Extra Virgin and Refined Coconut
23 Oils, based on plaintiff also seeking to represent purchasers of those products." (Joint Letter, Dkt.
24 No. 50 at 2.) The letter also addressed whether Plaintiff's definition of "Nutiva Coconut Oil
25 Claims" could include challenged statements on Nutiva's website considering that Plaintiff never
accessed the website himself. (Joint Letter at 3.) At the time of filing, both issues were pending
before the district court. Indeed, Defendant acknowledged that its discovery position was the
same position it advocated in the fully briefed motion for judgment on the pleadings, and, that
should the district court find in Plaintiff's favor, it would provide information related to all
products. (Joint Letter at 4.) On September 22, 2016, the district court granted in part and denied
in part Defendant's motion for judgment on the pleadings, which appears to resolve the pending
disputes in their entirety. Notwithstanding, to the extent that certain challenged statements were
not contained in the Complaint, Defendant need not respond. Thus, Defendant need not
supplement its responses to address subparts (l) through (q).

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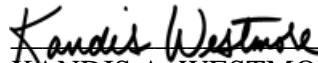
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1 Accordingly, the Court TERMINATES the joint letter. Should the parties believe that any
2 disputes contained therein remain unresolved, they are ordered to meet and confer in an effort to
3 resolve those disputes informally before seeking further court intervention.

4 **IT IS SO ORDERED.**

5 Dated: September 23, 2016

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7 KANDIS A. WESTMORE
8 United States Magistrate Judge

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United States District Court
Northern District of California